

REMARKS

Entry of this Amendment in accordance with the provisions of 37 CFR § 1.114 is respectfully requested, noting the timely filing of a Request for Continued Examination (RCE) Transmittal letter on even date herewith.

This Amendment is in response to the Final Office Action dated October 28, 2004. By the present Amendment, previously presented independent claim 5 has been replaced by new independent claim 13, and, additionally, a further new independent claim 14 has been added.

Reconsideration and allowance of newly presented independent claims 13 and 14, together with dependent claims 7-12, over the cited reference to Hamakawa relied on in the rejection of claims 1-12 in the Final Office Action is respectfully requested. By the present Amendment, each of the independent claims 13 and 14 defines the invention in terms of not only first and second type format commands, but also a third type format command. With regard to this, the first type format command includes the first type command and address information. The second type format command includes both the first type command, the address information and, in addition, a second type command. Finally, the third type format command includes the first type command, the address information, the second type command and, in addition, data. For the Examiner's information (and solely for example), the first and second type commands can be seen in Fig. 3, while Fig. 7 shows an arrangement with a read command as a first type format command, an erase command as a second type format command and a program command as a third type format command. Also for example, Fig. 16 discloses a flowchart of a third type format command sequence, which includes a

first type command fetching step (S1), the address information fetching step (S2), the program data fetching step (S3), and the second type command fetching step (S4).

Although the Hamakawa (USP 5881002) is of general interest, it is respectfully submitted that Hamakawa fails to disclose or suggest the claimed arrangement of a second type format command and a third type format command within the overall combination of elements, as defined in both the independent claims 13 and 14. As such, it is respectfully submitted that newly presented independent claims 13 and 14, as well as dependent claims 7-12, clearly define over Hamakawa, and, accordingly, reconsideration of these claims is respectfully requested.

Reconsideration and removal of the obviousness double patenting rejection with regard to claims 1-3 of U.S. Patent 6507520 is also respectfully requested. By virtue of the present Amendment, the present claims 13 and 14, containing the additional limitations of the third type format command, and its relationship to the first and second type format commands, serves to clearly define over the subject matter of claims 1-3 of U.S. Patent 6507520. Therefore, it is respectfully submitted that these newly independent claims are not obvious over the claimed subject matter of U.S. Patent 6507520, and, accordingly, reconsideration and removal of the obviousness type double patenting rejection is respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

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To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 501.36887CC8), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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By



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